

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-657V

Filed: August 18, 2015

* * * * *		UNPUBLISHED
ROSELLA LYONS,	*	
	*	Special Master Hamilton-Fieldman
Petitioner,	*	
	*	Attorneys' Fees and Costs;
v.	*	Reasonable Amount Requested to
	*	which Respondent Does Not Object.
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	
* * * * *		

Franklin John Caldwell, Jr., Maglio Christopher & Toale, PA, Sarasota, FL, for Petitioner.
Michael Milmo, United States Department of Justice, Washington, D.C., for Respondent.

DECISION¹

On October 2, 2009, Rosella Lyons (“Petitioner”) filed a petition pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-1 to -34 (2006). Petitioner alleges that she suffered from Guillain-Barré syndrome (“GBS”) as a result of an influenza (“flu”) vaccine administered to her on October 14, 2008.³ On January 5, 2015, the undersigned issued a

¹ Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this ruling on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b).

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2006) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

³ The petition lists the date of vaccination as October 14, 2007. However, the medical records reflect that the date of vaccination was October 14, 2008, and the parties have now stipulated that the latter date is accurate.

decision awarding compensation to Petitioner.

On August 17, 2015, the parties filed a Stipulation of Fact Concerning Final Attorneys' Fees and Costs. Pursuant to their Stipulation, the parties have agreed to an award of \$79,877.21 in attorneys' fees and costs. In accordance with General Order Number 9, Petitioner represents that she has not personally incurred any costs in pursuit of her claim.

The undersigned finds that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, the undersigned hereby awards the amount of \$79,877.21, in the form of a check made payable jointly to Petitioner and Petitioner's counsel, F. John Caldwell, Jr.**

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.⁴

IT IS SO ORDERED.

/s/ Lisa D. Hamilton-Fieldman
Lisa D. Hamilton-Fieldman
Special Master

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.